

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MB Docket No. 02-118
FM Broadcast Stations.)	RM-10394
(Ridgway and Rangely, Colorado))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 4, 2002

Released: September 20, 2002

By the Assistant Chief Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rulemaking*¹ issued at the request of Idaho Broadcasting Consortium, Inc. ("petitioner") permittee of Station KBNG(FM), Silverton, Colorado, proposing the substitution of Channel 279C1 for Channel 279C2 at Ridgway, Colorado, and the modification of Station KBNG's authorization accordingly, and the substitution of Channel 257C1 for vacant Channel 279C1 at Rangely, Colorado, to accommodate its upgrade. Petitioner filed comments in support of its proposal and reiterated its intention to file the necessary applications to implement the modification.

2. As stated in the *Notice*, in MM Docket 99-151, Station KBNG's community of license was modified from Silverton to Ridgway, Colorado, and the facility was upgraded to Channel 279C1. When petitioner filed its application to implement these changes, site availability issues, allotment constraints and city-grade coverage to Ridgway forced it to downgrade to Channel 279C2. It states that the Class C1 facility is not feasible under the current allotment scheme because only one site is available from which it could get line-of-site service to the community. Petitioner further states that the substitution of Channel 257C1 for Channel 279C1 at Rangely will eliminate the co-channel constraints that are inherent with the simultaneous use of Channel 279 at Ridgway, and will afford it greater leeway for site selection. It also states that under its allotment proposal, Station KBNG will be able to reach an additional 69,417 persons, and Channel 257C1 will be able to reach 19,830 additional persons.

3. We will grant the substitution of Channel 279C1 for Channel 279C2 at Ridgway and the substitution of Channel 257C1 for vacant Channel 279C1 at Rangely. These changes will enable Station KBNG to effectuate the upgrade it was previously granted, and allow the station to expand its coverage area. An engineering analysis has determined that Channel 279C1 can be allotted at Ridgway at petitioners requested site 11.9 kilometers (7.4 miles) north of the community.² Additionally, Channel 257C1 can be allotted at Rangely at petitioner's suggested site 5.0 kilometers (3.1 miles) northwest of the community.³ As requested, we will also modify the authorization for Station KBNG to specify operation on Channel 279C1.

¹ See *Ridgway and Rangely, Colorado*, 17 FCC Rcd 9574.

² The coordinates for Channel 279C1 at Ridgway are 38-15-26 NL and 107-46-54 WL.

³ The coordinates for Channel 257C1 are 40-7-12 NL and 108-50-29 WL. This is a different site from the Channel 279C1 site at Rangely.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective November 4, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Ridgway, Colorado	279C1
Rangely, Colorado	257C1

5. IT IS ORDERED That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this *Order* to the following:

Lee W. Shubert
Katten Muchin Zavis Rosenman
1025 Thomas Jefferson Street, NW
East Lobby, Suite 700
Washington, DC, 20007-5201

6. IT IS FURTHER ORDERED That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Idaho Broadcasting Consortium, Inc. for Station KBNG(FM), Ridgway, Colorado, IS MODIFIED to specify operation on Channel 279C1, subject to the following conditions:

- a) Within 90 days of the effective date of this *Order*, each licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the upgrade. As a result of this proceeding, Idaho Broadcasting Consortium, Inc. is required to submit rule making fees in addition to the fees required for the applications to effect the upgrade for Station KBNG(FM).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED

9. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division

Media Bureau